

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA

v.

No. 4:23-MJ-710

LITA D'ANN MILLS (10)
a/k/a "Lita May"

JOINT MOTION TO CONTINUE TIME TO INDICT

The government and the defendant's attorney jointly request this Honorable Court to continue the time upon which an indictment must be filed in this case.¹

- (1) The government filed a criminal complaint against the defendant on October 2, 2023, alleging a violation of 21 U.S.C. § 846 (21 U.S.C. §§ 841(a)(1) and (b)(1)(B)), Conspiracy to Possess with Intent to Distribute a Controlled Substance.
- (2) The defendant appeared before the Honorable Jeffrey L. Cureton on October 12, 2023. A detention hearing was set at that time.
- (3) Under the Speedy Trial Act, 18 U.S.C. § 3161(b), an indictment must be returned on the instant charge "within thirty days from the date on which [the defendant] was arrested or served with a summons in connection with such charges." The 30th day in this case will fall on or about November

¹ A defendant's "personal consent is not required" when the defendant's attorney is seeking a Speedy Trial Act continuance, including when it is a continuance of the indictment deadline under the Speedy Trial Act. *United States v. Robinson*, 67 F.4th 742, 749 (5th Cir. 2023).

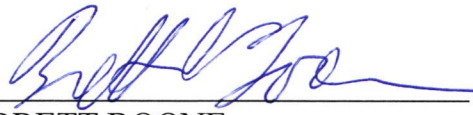
10, 2023, taking into account some excludable time, pursuant to 18 U.S.C. § 3161(h)(1) and Federal Rule 45(a).

- (4) The parties request that the Court continue presentation of the defendant's case to the grand jury for an additional 34 days because both parties believe that the case is likely to be resolved pre-indictment. The additional time is necessary for the parties to exchange information about the defendant and the case and for the government to disclose sufficient discovery to the defense to permit a thorough review and evaluation of the case against the defendant. These efforts may relieve the government of presenting the case to the grand jury, which will preserve both judicial and government resources and give the defense attorney time to digest the case and meaningfully negotiate terms of a potential guilty plea.
- (5) The granting of this continuance, therefore, would be in the interest of judicial economy. Both parties likewise believe that a continuance would serve the ends of justice and would outweigh the interest of the public in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A).
- (6) This request is not made in effort to unduly delay the proceedings, but to permit the parties sufficient time for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).
- (7) Defense counsel has conferred with his client and hereby certifies that his client agrees with this motion.

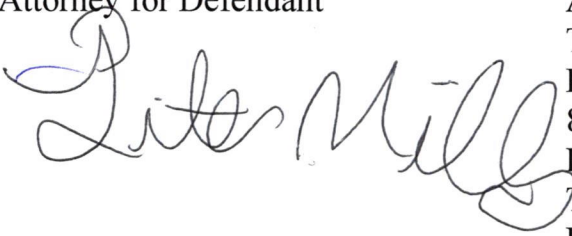
- (8) For the foregoing reasons, the parties request that this Honorable Court continue the time upon which an indictment must be filed for an additional 34 days, until on or about December 14, 2023.

Respectfully submitted,

LEIGHA SIMONTON
UNITED STATES ATTORNEY


BRETT BOONE
Attorney for Defendant


SHAWN SMITH
Assistant United States Attorney
Texas Bar No. 24033206
Burnett Plaza, Suite 1700
801 Cherry Street, Unit #4
Fort Worth, Texas 76102
Telephone: 817-252-5200
Facsimile: 817-252-5455
Email: Shawn.Smith2@usdoj.gov


10-12-2023
DATE